

# Exhibit K

1 District Judge Lauren King

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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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STATE OF WASHINGTON, *et al.*,

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Plaintiffs,

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v.

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DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

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Defendants.

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**DEFENDANTS' OBJECTIONS AND RESPONSES TO STATE OF WASHINGTON'S  
SUBPOENA PURSUANT TO RULE 45 TO MICHELLE BULLS FOR DOCUMENTS AND  
TESTIMONY**

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Pursuant to Fed. R. Civ. P. 45, Defendants hereby provide objections to Plaintiffs' subpoena to Michelle Bulls for the production of documents and testimony. Defendants reserve the right to assert additional objections as appropriate and to amend or supplement these objections in accordance with the applicable rules and orders on discovery during the course of this action.

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**GENERAL OBJECTIONS**

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1. Defendants object to Plaintiffs' subpoena for documents and testimony ("Subpoena") on the ground that the time provided to produce the requested records is unreasonable. *See* Fed. R.

Defs.' Objs. & Resp. To State of Wash.'s Subpoena Pursuant to Rule 45  
To Michelle Bulls for Documents and Testimony  
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1100 L STREET, NW  
WASHINGTON, DC 20005  
202-305-0845

1 Civ. P. 45(d)(3)(A)(i). The amended subpoena provided 15 days for compliance from receipt of the  
 2 original subpoena. Requiring Defendants to identify, collect, and prepare records responsive to  
 3 Plaintiffs' subpoena for production, and directing Defendants to respond by April 3rd is  
 4 unreasonable. Moreover, Plaintiffs "may not avoid the limitations and requirements of Fed. R. Civ.  
 5 P. 34 by demanding that a party produce documents at a deposition scheduled less than thirty days in  
 6 the future." *Bank of Am. v. Travelers Indemn. Co.*, 2009 WL 529235, at \*1 (W.D. Wash. Mar. 2,  
 7 2009). Nor may Plaintiffs use Rule 45 to make an end run around the requirements of Rule 34. *E.g.*,  
 8 *MGA Ent., Inc. v. Nat'l Prods., Ltd.*, 2011 WL 13130181, at \*3 (C.D. Cal. Dec. 16, 2011) (party  
 9 could not use Rule 45 to "circumvent the document discovery procedures provided by Rule 34"  
 10 (quotation omitted)); *Singleton v. Jupiter Communities, LLC*, 2014 WL 251659, at \*3 (D. Nev. Jan.  
 11 22, 2014) ("The purpose of Rule 45 is generally to allow counsel to compel someone who is not a  
 12 party to appear for a deposition and/or produce documents. The documents Plaintiff seeks are clearly  
 13 Defendant's documents, not those of the non party witness, and Rule 45 is not the proper procedure  
 14 to seek discovery more appropriately subject to a Rule 34 request.").

15 2. Defendants object to the subpoena to the extent it was served pursuant to the Court's  
 16 prior grant of expedited discovery relating to Plaintiffs' motion for contempt, which was based on  
 17 NIH's termination of NIH Grant No. 5R21HD107311. *See Order Denying Plaintiffs' Motion for*  
 18 *Contempt and Attorney's Fees and Granting Plaintiffs' Motion for Expedited Discovery*, ECF No.  
 19 258. That grant has been reinstated, and therefore any such expedited discovery, and any discovery  
 20 relating to the contempt issues Plaintiffs previously raised, is moot.

21 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

22 1. Defendants object to Definitions 1 and 2, to the extent they seek to impose upon  
 23 Defendants obligations that are inconsistent with or greater than obligations imposed by Federal

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1 Rules of Civil Procedure 26, 34, and 45.

2 **SPECIFIC OBJECTIONS TO REQUESTS FOR PRODUCTION**

3 **REQUEST NO. 1:** All drafts in your possession, custody, or control of the following  
 4 documents, included as an Exhibit to the Declaration of Kym Ahrens (Dkt. #244) and William  
 5 McGinty (Dkt. #245); Ahrens Decl., Exs. A-B (Dkt. 244-1, 244-2), and McGinty Decl., Ex. 6 (Dkt.  
 6 #245-6).

7 **OBJECTIONS TO REQUEST NO. 1:** Defendants object to this request because it seeks  
 8 documents covered by the deliberative process privilege, and insofar as it seeks documents covered  
 9 by attorney-client, work product, or any other privilege.

10 Defendants further object to this request insofar as it seeks information not relevant to the  
 11 claims and defenses in this case.

12 **RESPONSE TO REQUEST NO. 1:** Consistent with Defendants' objections, Defendants  
 13 will not produce documents in response to this request.

14 **REQUEST NO. 2:** All drafts in your possession, custody, or control of the document titled  
 15 "Staff Guidance – Award Alignment with Agency Priorities – March 2025" referenced in Exhibit 5  
 16 of the declaration of William McGinty (Dkt. #245-5).

17 **OBJECTIONS TO REQUEST NO. 2:** Defendants object to this request because it seeks  
 18 documents covered by the deliberative process privilege, and insofar as it seeks documents covered  
 19 by attorney-client, work product, or any other privilege.

20 Defendants further object to this request insofar as it seeks information not relevant to the  
 21 claims and defenses in this case.

22 **RESPONSE TO REQUEST NO. 2:** Consistent with Defendants' objections, Defendants  
 23 will not produce documents in response to this request.

24 **REQUEST NO. 3:** All communications made to or by you related to the documents in  
 Requests for Production 1 and 2.

1           **OBJECTIONS TO REQUEST NO. 3:** Defendants object to this request insofar as it seeks  
 2 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

3           Defendants further object to this request insofar as it seeks information not relevant to the  
 4 claims and defenses in this case.

5           Defendants further object to this request to the extent it seeks information that is not in Ms.  
 6 Bulls' possession, custody, or control.

7           **RESPONSE TO REQUEST NO. 3:** Consistent with Defendants' objections, Defendants  
 8 will not produce documents in response to this request.

9           **REQUEST NO. 4:** All documents in your possession, custody, or control, including  
 10 communications made to or by you, related to the termination of NIH Grant No. 5R21HD107311.

11           **OBJECTIONS TO REQUEST NO. 4:** Defendants object to this request insofar as it seeks  
 12 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

13           Defendants further object to this request insofar as it seeks information not relevant to the  
 14 claims and defenses in this case.

15           **RESPONSE TO REQUEST NO. 4:** Consistent with Defendants' objections, Defendants  
 16 will not produce documents in response to this request.

17           **REQUEST NO. 5:** All documents in your possession, custody, or control related to NIH's  
 18 claims that "Research programs based on gender identity are often unscientific, have little  
 19 identifiable return on investment, and do nothing to enhance the health of many Americans. Many  
 20 such studies ignore, rather than seriously examine, biological realities." Ahrens Decl., Ex. A (Dkt.  
 21 #244-1).

22           **OBJECTIONS TO REQUEST NO. 5:** Defendants object to this request insofar as it seeks  
 23 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

24           Defendants further object to this request insofar as it seeks information not relevant to the  
 25 claims and defenses in this case.

1       **RESPONSE TO REQUEST NO. 5:** Consistent with Defendants' objections, Defendants  
 2 will not produce documents in response to this request.

3       **REQUEST NO. 6:** All documents in your possession, custody or control related to NIH's  
 4 claim that "It is the policy of NIH not to prioritize these research programs." Ahrens Decl., Ex. A  
 (Dkt. #244-1).

5       **OBJECTIONS TO REQUEST NO. 6:** Defendants object to this request insofar as it seeks  
 6 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

7       Defendants further object to this request insofar as it seeks information not relevant to the  
 8 claims and defenses in this case.

9       **RESPONSE TO REQUEST NO. 6:** Consistent with Defendants' objections, Defendants  
 10 will not produce documents in response to this request.

11       **REQUEST NO. 7:** All documents in your possession, custody, or control related to NIH's  
 12 claims that "This award related to Transgender issues no longer effectuates agency priorities."  
 Ahrens Decl., Ex. B (Dkt. #244-2).

13       **OBJECTIONS TO REQUEST NO. 7:** Defendants object to this request insofar as it seeks  
 14 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

15       Defendants further object to this request as duplicative of Request No. 4.

16       Defendants further object to this request insofar as it seeks information not relevant to the  
 17 claims and defenses in this case.

18       **RESPONSE TO REQUEST NO. 7:** Consistent with Defendants' objections, Defendants  
 19 will not produce documents in response to this request.

20       **REQUEST NO. 8:** All documents in your possession, custody, or control that include  
 21 descriptions of policies, procedures, or guidance regarding termination of NIH grants dated between  
 January 20, 2025 and March 6, 2025.

22       **OBJECTIONS TO REQUEST NO. 8:** Defendants object to this request insofar as it seeks  
 23 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

1 Defendants further object to this request insofar as it seeks information not relevant to the  
 2 claims and defenses in this case.

3 **RESPONSE TO REQUEST NO. 8:** Consistent with Defendants' objections, Defendants  
 4 will not produce documents in response to this request.

5 **REQUEST NO. 9:** All documents in your possession, custody, or control, including  
 6 communications, policy statements or guidance documents related to or referencing Executive Order  
 7 14,168, titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth  
 8 to the Federal Government," or Executive Order 14,187, titled "Protecting Children from Chemical  
 and Surgical Mutilation."

9 **OBJECTIONS TO REQUEST NO. 9:** Defendants object to this request insofar as it seeks  
 10 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

11 Defendants further object to this request because it is overbroad, unduly burdensome, and  
 12 seeks documents not relevant to the claims and defenses in this case, including in that it seeks  
 13 documents "related to or referencing" aspects of the referenced Executive Orders not at issue in  
 14 Plaintiffs' Amended Complaint.

15 **RESPONSE TO REQUEST NO. 9:** Consistent with Defendants' objections, Defendants  
 16 will not produce documents in response to this request.

17 **REQUEST NO. 10:** All communications between you and any person(s) affiliated with the  
 18 Department of Government Efficiency, related to NIH grant funding.

19 **OBJECTIONS TO REQUEST NO. 10:** Defendants object to this request insofar as it  
 20 seeks documents covered by the deliberative process, attorney-client, work product, or any other  
 21 privilege.

22 Defendants further object to this request on the ground that the term "any person affiliated

1 with the Department of Government Efficiency" is vague and ambiguous and to the extent it  
 2 imposes a requirement on the responding party to undertake a review of information and make  
 3 determinations that are not apparent on the face of the documents being requested.

4 Defendants further object to this request insofar as it seeks information not relevant to the  
 5 claims and defenses in this case.

6 Defendants further object to this request to the extent it seeks information that is not in Ms.  
 7 Bulls' possession, custody, or control.

8 Defendants further object to this request to the extent it is duplicative of Request Nos. 1–9.

9 **RESPONSE TO REQUEST NO. 10:** Consistent with Defendants' objections, Defendants  
 10 will not produce documents in response to this request.

11 **REQUEST NO. 11:** A copy of your current CV and/or resume.

12 **OBJECTIONS TO REQUEST NO. 11:** Defendants object to this request because it seeks  
 13 information not relevant to the claims and defenses in this case.

14 **RESPONSE TO REQUEST NO. 11:** Defendants produced a copy of Ms. Bulls' subpoena  
 15 at her deposition on April 3, 2025.

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1 DATED this 18th day of April, 2025.

2 Respectfully submitted,

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